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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,207	10/23/2003	Ru-rong Wu Hsiao	87165755-002001	2311

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EXAMINER

BARRY, CHESTER T

ART UNIT PAPER NUMBER

1724

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,207

Applicant(s)

WU HSIAO ET AL.

Examiner

Chester T. Barry

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1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) 11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 10 and 14-19 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 8, 12 and 13 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/4/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The non-art based objections and rejections to the claims are withdrawn in light of the amendments to the claims.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 63216472. JP 63216472 describes decomposing textile dye-containing alkaline waste liquid using bacteria under alkaline conditions, i.e., pH 8 - 9. Alkaline wastewater resulting from textile dyeing is, or contains, water glass wastewater. The bacteria described are alkalophilic or alkaline-tolerant because they survive under alkaline conditions.

Claims 7, 8 are rejected under 35 U.S.C. 103(a) as obvious over JP 63216472. In JP 63216472, the step of growth of the bacteria in the waste water is a culturing step. In the course of decomposition of the dyes, the bacteria will amass. It would have been obvious to have collected excess biomass, dispose of some, and reseed the waste treatment facility with the remainder. Per claim 8, it would have been obvious to have used this method of treating dyeing waste water having any ADMI color rating.

Claims 1, 2, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002086188. JP '188 describes decomposing textile dye-containing waste liquid using bacteria. Such waste water is known to be alkaline in nature, as shown, for example, by JP 63216472. Alkaline wastewater resulting from textile dyeing is known to be, or contains, water glass wastewater. The bacteria described are alkalophilic or

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alkaline-tolerant because they survive under alkaline conditions. The bacteria are cultured on activated carbon, used as an immobilization medium. .

CTB ~~The independent claims among Claims 3-6, 9-11, 14-19 are allowed. Objection~~
CTB is made to the dependent ~~claims among Claims 3-6, 9-11, 14-19~~, but would be allowed if presented in independent form.

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 10/4/05 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

571-272-1152



CHESTERT.T.BARRY
PRIMARY EXAMINER